

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HORACE BREWINGTON	:	: CIVIL ACTION
	:	
v.	:	: NO. 07-2445
	:	
GEORGE N. PATRICK, et al.,	:	

ORDER

STENGEL, J.

AND NOW, this 19th day of December, 2007, upon consideration of the petition for writ of *habeas corpus*, the Response of the Commonwealth, and after careful and independent review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for writ of *habeas corpus* is DENIED and DISMISSED without an evidentiary hearing; and
3. The petitioner has not met the statutory requirements to have his case heard and no reasonable jurist could find this procedural ruling debatable; thus, a certificate of appealability is DENIED.

The Clerk of Court is directed to mark this case closed for all purposes.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.